

REMARKS

This application has been amended so as to place it in condition for allowance at the time of the next Official Action.

The Official Action points out that the listing of references in the specification does not amount to an Information Disclosure Statement as defined by 37 CFR §1.98(b). Applicants are aware of such and note that the references identified merely amount to background information to aid the understanding of a reader.

The Official Action states that the application does not contain an abstract as required by 37 CFR §1.72(b). Accordingly, applicants include herewith an abstract in appropriate form.

Applicants have amended the narrative portions of the specification to insert headings and sub-headings in accordance with U.S. practice.

Applicants have replaced the original specification with a substitute specification. The substitute specification differs from the original only with respect to formatting and the insertion of headings and sub-headings as noted above as well as a change in capitalization of trademark terms. Accordingly, the substitute specification introduces no new matter to the application.

The applicants have amended the title to more specifically describe the subject matter of the present claims.

The Official Action objects to the disclosure under 37 CFR 1.171 for use of the terms "interim storage" and "preprocessing". Applicants are willing to amend the narrative portion of the specification to aid the Examiner in searching the prior art. However, applicants understand "interim storage" to mean storage used on a short-term basis, or for an intermediate interval of time, based on what is believed to be the general understood meaning of the term "interim". Similarly, applicants understand the term "preprocessing" to mean processing before some other event.

In any event, please note that applicants have amended claim 11 so that the term "preprocessing" is used simply as a name for the step of performing rule-based analyzing of the subscriber data before the previously recited analyzing step. It is during the analyzing step, according to amended claim 9, that the recorded subscriber data is analyzed using at least two of the listed methods.

In light of these amendments, applicants believe that all claims are sufficiently definite.

The Official Action notes the use of terms that are believed to have trademark status. In accordance with the recommendation of the Official Action, applicants have presented the identified descriptive names in all capital letters. The Official Action notes that Figure 1 should be designated as prior art, and applicants have appropriately amended Figure 1

accordingly. This constitutes the entirety of the changes to any of the drawing figures by the present amendment.

The Official Action rejects claim 10 under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. Underlying this rejection is the assertion that the "specification discloses RADIUS data, SNMP data, TCP dump protocol data in the cited reference but does not provide the use of these data types, whether they provide an advantage, or solves a stated problem."

As the Official Action explicitly states, the test for the enablement requirement is whether the claims contain subject matter that is described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The inquiry then, must be whether one of skill in the art would be able to practice the invention as recited in claim 10, which specifically lists such data types. Applicants respectfully suggest that this question must be answered in the affirmative.

The identified data types are believed to be sufficiently widely used standards such that one of skill in the art would readily understand and be able to make and/or use the claimed invention in connection with such data types. The question as to whether the use of these data types provides an advantage or solves the stated problem is believed to be an unrelated inquiry. The enablement requirement is met if one of

skill in the art can practice the invention. The enablement requirement does not, in itself, specifically require one of skill in the art to understand the advantage provided by the invention. For that matter, the law does not require an invention to constitute an improvement at all. An invention must merely be useful, novel, and non-obvious. Reconsideration and withdrawal of the enablement rejection are therefore respectfully requested.

The Official Action rejects claims 9 and 13-15 under 35 USC §112, second paragraph, as being indefinite. The Official Action explicitly identifies the language in the claims that underlies this rejection. Applicants have amended the claims as necessary to overcome this rejection, the reconsideration and withdrawal of which are therefore respectfully requested.

The Official Action rejects claims 9-15 under 35 USC §102(e) as anticipated by LAZARUS et al. Reconsideration and withdrawal of this rejection are respectfully requested for the following reasons:

The LAZARUS reference describes use of the rule-based method. This approach was known to be part of the prior art at the time of the present invention.

However, the present invention provides, among other features, the novel approach of combining at least two methods, as originally recited in claim 14 and as now recited in amended independent claim 9. This makes possible the achievement of

extremely low error rates, which is not possible with the known prior art, including the LAZARUS et al. approach. As noted at least in the paragraph spanning pages 2 and 3 of the application as originally filed, the results of individual methods can be combined and associated to provide significant information with extremely low error rates.

Accordingly, independent claim 9 now recites an analyzing step that includes analyzing the recorded subscriber data using at least two from the list of methods including rule-based, neural network, density-based profile modeling, and causal network. This feature is clearly undisclosed by LAZARUS et al., and moreover is neither disclosed nor suggested by any other prior art reference or any combination of such references known to the applicants. This includes that portion of the LAZARUS et al. reference specifically identified by the Official Action in column 1, lines 15-43 of such reference.

In light of the amendments described above and the arguments offered in support thereof, applicants believe that the present application is in condition for allowance and an early indication of the same is respectfully requested.

If the Examiner has any questions or requires further clarification of any of the above points, the Examiner may contact the undersigned attorney so that this application may continue to be expeditiously advanced.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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**APPENDIX:**

The Appendix includes the following items:

- a new Abstract of the Disclosure
- a replacement sheet for Figure 1
- substitute specification and marked-up copy of  
originally-filed specification

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to  
Figure 1. The legend "PRIOR ART" has been added.